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7 Attorney for Defendant

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,  
12 Plaintiff,

13 vs.

14 FRANK GEMBECK, JR.,  
15 Defendant

) Case No.: CR08-00076-JW

)  
) STIPULATION TO WITHDRAW  
) STIPULATION/MOTION TO CONTINUE  
) STATUS HEARING FROM SEPTEMBER  
) 15, 2008 TO SEPTEMBER 22, 2008 AND TO  
) RESET TO SEPTEMBER 15, 2008 at 1:30  
) PM  
)  
)

16 On or about August 26, 2008 Defendant and the government filed a Stipulation  
17 requesting a continuance of the status hearing in this case scheduled for September 15, 2008 at  
18 1:30 pm until September 22, 2008 at 1:30 pm due to the unavailability of defense counsel.

19 This stipulation is still pending.

20 In the meantime, the United States District Court for the Central District of California  
21 before whom defense counsel was previously scheduled for sentencing on September 15 has *sua*  
22 *sponte* rescheduled the sentencing until September 22, 2008. Hence, defense counsel is not  
23 unavailable on September 22 and wishes to have the status hearing remain on the previously  
24  
25

Stipulation to Withdraw Stipulation/Motion to Continue Status Hearing from  
September 15, 2008 to September 22, 2008, and to reset to September 15, 2008

1 scheduled date of September 15, 2008 at 1:30 pm.

2 LAW OFFICES OF ALAN ELLIS

3  
4 BY: /s/  
5 ALAN ELLIS  
6 Attorney for Defendant

7 UNITED STATES OF AMERICA

8  
9 BY: /s/  
10 RICHARD CHENG  
11 Attorney for Plaintiff

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Stipulation to Withdraw Stipulation/Motion to Continue Status Hearing from  
September 15, 2008 to September 22, 2008, and to reset to September 15, 2008

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, ) Case No.: CR08-00076-JW  
Plaintiff, )  
vs. ) PROPOSED ORDER  
FRANK GEMBECK, JR., )  
Defendant )

It is hereby ordered that the status conference scheduled for 1:30 pm on September 15 remain on that date at 1:30 pm.

BY THE COURT:

\_\_\_\_\_  
J.